



595 Menlo Drive, Rocklin, CA 95765  
Tel 800 900 9478 Fax 888 900 9477

March 27, 2012

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities. CG Docket No. 03-123 & CG Docket No. 10-51

Dear Ms. Dortch:

On March 23, Sorenson Communications, Inc. (“Sorenson”) filed an ex parte purporting to request clarification and guidance from the Commission concerning business practices of Purple Communications, Inc. (“Purple”). Disappointingly, Sorenson’s description of Purple’s business practices is not only materially misleading, it draws baseless conclusions about the impact of Purple’s business on the TRS Fund.

First and foremost, Sorenson’s ex parte states that *“Purple Communications has contracted with employers such as Allstate to place deaf individuals in call center jobs and to provide video relay service (“VRS”) and related support services.”* This is plainly incorrect. Purple has not contracted with any employer, including Allstate, to place deaf individuals in call center jobs. Purple also has not contracted with any employer to provide deaf and hard of hearing employees with VRS.

Instead, Purple provides video remote interpreting (“VRI”) and/or community interpreting services to Allstate—neither of which is a regulated service. Purple also partners with Allstate to offer its expertise regarding employing and serving deaf and hard of hearing individuals. While Purple allows Allstate to use Purple’s proprietary software technology at no cost, no revenue sharing exists between Purple and Allstate.

Allstate, as a corporate citizen and of its own volition, employs deaf and hard of hearing individuals in an effort to achieve the goals of the Americans with Disabilities Act (the “ADA”). No financial arrangement requires Allstate to use Purple’s technology or VRS service and Allstate employees are free to use any VRS provider that they wish. Allstate receives no compensation from Purple for its support of the deaf and hard of hearing and the ADA.

Moreover, Sorenson’s ex parte misleadingly asserts and concludes that Purple’s business practices will significantly deplete the TRS Fund. Sorenson’s attempt to manufacture doomsday scenarios for the TRS Fund by inferring that, if not stopped, Purple’s industry designs will lead to ruin, are specious. Allstate, and other employers of the deaf and hard of hearing, in the aggregate, accounted for less than 1.5% of Purple’s VRS volume in the most recent month. While essential to Purple’s philosophical commitment to the ADA, this volume is not a material

aspect of Purple's VRS business and, Sorenson's claims notwithstanding, will not expose the TRS Fund to depletion in the coming years.

Sorenson's purported need for clarification and guidance is a false pretense aimed at damaging Purple, its competitor, and furthering its quest for complete domination of the VRS market. Unfortunately, Sorenson's gamesmanship damages the interests of deaf and hard of hearing consumers. Rather than disparaging a competitor, Sorenson should consider the work of Senator Tom Harkin who is leading the charge to increase the number of adults with disabilities in the labor force from 4.9 million today to 6 million by 2015. In a recent speech<sup>1</sup>, Senator Harkin said:

“Expanding the disability workforce by more than one million workers in four years is achievable if we get serious about making it happen....I want your ideas and I am asking for your collaboration so that our policies are producing real results on the ground--real results that become jobs for people with disabilities and a strong, talented and loyal workforce for businesses. If there are federal policies that are getting in the way of your efforts, I want to hear about those too so we can do something about them. Making a real impact on disability employment numbers is one of my top priorities and will remain so as long as I am in the Senate.”

Sorenson might also consider the work of government agencies such as Vocational Rehabilitation and corporations such as Bender Consulting<sup>2</sup> who are focused on improving the probability of gainful employment for people with disabilities. Purple often works in conjunction with these groups to establish the requisite technical skill set to enable effective communication in the workplace. Many companies cannot readily support effective communication from a technology standpoint without expert consultation. Purple fills the void and counsels employers about the vast technologies that enable effective communication by deaf and hard of hearing employees. The ADA requires that TRS providers fulfill this responsibility.

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<sup>1</sup> Senator Harkin Press Release: Americans with Disabilities Leaving Labor Force at Alarming Rate, *Lays Out Goals to Improve Employment for Americans with Disabilities, Expand Disability Workforce to 6 Million*, April 12, 2011 <http://harkin.senate.gov/press/release.cfm?i=332449> (last visited March 26, 2012).

<sup>2</sup> Web site for Bender Consulting, <http://www.benderconsult.com> (last visited March 26, 2012)

Purple welcomes further dialogue on this topic as desired by the Commission.

Sincerely,

PURPLE COMMUNICATIONS, INC.

A handwritten signature in dark ink, appearing to read 'JGLL', written in a cursive style.

John Goodman  
Chief Legal Officer

CC: Sean Lev, OGC  
Karen Peltz Strauss, CGB  
Bob Aldrich, CGB  
Gregory Hlibok, CGB  
Diane Mason, OSPP & CGB  
Rich Hovey, WCB  
Christopher Wright, Wiltshire & Grannis LLP for Sorenson Communications